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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,966	02/22/2007	Kenji Ito	2006-0839 A	2536
513 7590 12/17/2008 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER WAITS, ALAN B	
			ART UNIT 3656	PAPER NUMBER
			MAIL DATE 12/17/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/580,966

**Applicant(s)**

ITO, KENJI

**Examiner**

ALAN B. WAITS

**Art Unit**

3656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/22/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 2/22/2007

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the one". There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "a surface roughness". It is unclear if the is the same surface roughness as recited previously in claim 1 or a new surface roughness.

Claim 2 recites the limitation "a surface roughness of 2.0  $\mu\text{mRa}$  or less". This range contradicts the range (0.5  $\mu\text{mRa}$  or less) previously recited in claim 1.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Komori et al. CN 1453481 (USP 7025505 used as English equivalent).

Komori discloses a similar device comprising:

Re clm 1:

- A housing (7c, fig 1)
- A bearing sleeve (8, fig 1) secured in position inside the housing
- A shaft member (2, fig 1)
- A radial bearing portion (R1, fig 7) supporting the shaft member radially in a non-contact fashion with an oil film formed in a radial bearing clearance between an inner peripheral surface of the bearing sleeve and an outer peripheral surface of the shaft member
- Another member (8, fig 1) being fixed by adhesion to the housing
- At least the housing is formed of resin (col. 4, line 6)
- Of the housing and the other member, an adhesion portion (col 6, lines 8-16) of the one formed of resin has a surface roughness of 0.5  $\mu\text{mRa}$  or less (col 14, lines 15-21)

Re clm 6:

- The other member fixed to the housing by adhesion is the bearing sleeve (8, fig 1)

Re clm 7:

- A stator coil (4, fig 1)
- A rotor magnet (5, fig 1)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-5, and 8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komori et al. CN 1453481 as applied to claim 1 above.

Komori discloses all the claimed subject matter as described above.

Komori does not disclose:

Re clm 2:

- the adhesion portion has a surface roughness of 2.0  $\mu\text{mRa}$  or less

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the adhesion portion having a surface roughness of 2.0  $\mu\text{mRa}$  or less, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Re clm 11, Komori further discloses:

- The other member fixed to the housing by adhesion is the bearing sleeve (8, fig 1)

Re clm 3 and 8, Komori does indeed disclose a bracket (6, fig 1) being fixed to the housing, however, he does not explicitly disclose:

- The other member fixed to the housing by adhesion is a bracket

Komori does indeed disclose fixing the bearing sleeve to the housing by adhesion (col 6, lines 8-18) for the purpose of preventing resin separation.

It would have been obvious to one of ordinary skill in the art at the time of the invention to fix any of the members connected to the housing, including a bracket, by adhesion for the purpose of preventing resin separation.

Re clm 4 and 9, Komori does indeed disclose a sealing member (10, fig 1) being fixed to the housing, however, he does not explicitly disclose:

- The other member fixed to the housing by adhesion is a sealing member

Komori does indeed disclose fixing the bearing sleeve to the housing by adhesion (col 6, lines 8-18) for the purpose of preventing resin separation.

It would have been obvious to one of ordinary skill in the art at the time of the invention to fix any of the members connected to the housing, including a sealing member, by adhesion for the purpose of preventing resin separation.

Re clm 5 and 10, Komori does indeed disclose a thrust bush closing a bottom portion of the housing (T, fig 14) being fixed to the housing, however, he does not explicitly disclose:

- The other member fixed to the housing by adhesion is a sealing member

Komori does indeed disclose fixing the bearing sleeve to the housing by adhesion (col 6, lines 8-18) for the purpose of preventing resin separation.

It would have been obvious to one of ordinary skill in the art at the time of the invention to fix any of the members connected to the housing, including a thrust bush closing a bottom portion of the housing, by adhesion for the purpose of preventing resin separation.

Re clm 12-20, Komori further discloses:

- A stator coil (4, fig 1)
- A rotor magnet (5, fig 1)

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN B. WAITS whose telephone number is (571)270-3664. The examiner can normally be reached on Monday through Friday 7:30 am to 5 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Richard WL Ridley/

Supervisory Patent Examiner, Art Unit 3656